

REMARKS

Upon entry of the present amendment, claims 22 and 23 will be pending, claims 19 and 21 having been cancelled and new claims 22 and 23 having been added. In new claims 22 and 23, the limitations originally in steps (a)-(c) of claims 19 and 21, respectively, have been put into original step (d) in order to place the claims in better condition for allowance. Support for the amendments can be found in the specification and in the original claims. Support for new claim 22 can be found, for example, in original claim 19 and in Example 8. Support for new claim 23 can be found, for example, in original claim 1 and in the specification at page 3, lines 12-18. No new matter has been added.

Applicant respectfully requests entry of the above amendment and allowance of the claims in view of the remarks in this Response.

Double patenting

Claim 21 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 11, 12 and 14 of co-pending U.S. Application No. 11/218,382 (Office Action at page 3). Claim 21 has been cancelled so this rejection is now moot. In anticipation that the Examiner may apply the same rejection to new claims 23, Applicant presents the following remarks. The allegedly conflicting claims of co-pending Application No. 11/218,382 have not been issued. Because the co-pending Application No. 11/218,382 has not issued as a patent and because the claims in the present application are not otherwise currently allowable, no terminal disclaimer is required for the present application. Upon notification that there is otherwise allowable subject matter in the present application, Applicant will consider filing an appropriate terminal disclaimer if warranted.

In conclusion, Applicant contends that the claims as amended are now in condition for allowance.

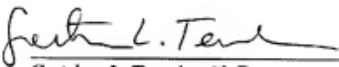
Applicant : Tatsuhiko Kodama et al.  
Serial No. : 10/516,603  
Filed : June 8, 2005  
Page : 4 of 4

Attorney's Docket No.: 14875-0137US1 / C1-  
A0210YIP-US

Please charge any required fees and apply any other charges or credits to deposit account 06-1050 referencing attorney docket no. 14875-0137US1.

Respectfully submitted,

Date: May 15, 2009



Gretchen L. Temeles, Ph.D.  
Reg. No. 57,077

Fish & Richardson P.C.  
Customer No.: 26161  
Telephone: (302) 652-5070  
Facsimile: (877) 769-7945

80077458.doc